

From: Nick Bellinger
To: Microsoft ATR
Date: 1/23/02 2:04am
Subject: Microsoft Settlement

To whom it may concern,

I am writing this email as an indicator of my dissatisfaction with the proposed remedy against the Microsoft Corporation as stated in the penalty phase of the antitrust trial. The main issue which is not being addressed in the proposed settlement is the restrictions that the Microsoft Corporation is STILL able to put on third party companies when it comes to creating an equal playing field for other third parties and other non-Windows Operating Systems to participate in the software economy. The Microsoft Corporation will still be able to apply predatory licensing practices of its software products making it impossible for third party software developers to enter into the Personal Computer Operating Systems, as well as non PC Operating Systems and software market.

One of the biggest problems that has not been addressed in the proposed settlement is the keeping of the Microsoft Corporation's Microsoft Office Suite files in a proprietary format. This is a VERY dangerous road to continue to go down. This means that if businesses currently using Microsoft Office get sucked into the next upgrade cycle for Microsoft Office, there is NO way for interoperability of the Microsoft Office file formats between third party software vendors. This means that any public document written and transferred using Microsoft Office will require the recipient of the document to be using Microsoft Office, or else they will not be able to open the file. This is exactly the type of predatory business practices that brought the antitrust suit against Microsoft, and this is one of the issues the proposed remedy does not address. The real solution is the open standardization of the Microsoft Office file formats so all can communicate with persons and businesses using Microsoft Office, without being forced to use Microsoft Office or other Microsoft software themselves. Another more important remedy is the forcing of the Microsoft Corporation to license the Microsoft Office suite to third party software vendors so it can be ported to non-Microsoft Operating Systems (ie: Linux and other Open Source Operating Systems) so that everyone is able to communicate using a standardized file format, and no users of non-Microsoft Operating Systems and Microsoft Software are excluded from communicating with people using Microsoft software.

The second of the largest problems which is not addressed in the proposed remedy is the open publication of the Microsoft Corporation's Microsoft Windows API or Application Programming Interface. The main issue here is that the idea of APIs are very narrowly defined in the

proposed remedy, and the Microsoft Corporation will continue to be able to change its APIs to suite its own predatory needs, and not the needs of its users, the needs of users of non-Microsoft operating systems, and the needs of the public as a whole. In addition the proposed remedy makes no mention of the APIs outside of the Windows Operating System for Personal Computers. (ie: it does not address the Microsoft Corporations other Operating Systems such as Windows XP Tablet Edition, Windows CE, PocketPC, or the X-Box Operating Systems). This sets a dangerous precedence as the Microsoft Corporation will be able to continue its predatory business practices outside of the Personal Computer Operating Systems market, therefore making any proposed remedy against its Personal Computer Operating System completely useless, as Operating Systems and Software will not be used on machines resembling Personal Computers in the next decade. The real and only possible remedy to this problem is the open publication and documentation of ALL Application Programming Interfaces for ALL of the Microsoft Operating Systems regardless of platform. This will allow third party software vendors to create programs to interopt with the Windows Operating Systems and its Programs and File Formats (as previously mentioned). As the proposed remedy currently stands, third party software vendors are prevented from making their products work with the Windows Operating Systems, and allows the Microsoft Corporation to continue such predatory business practices as making other Microsoft Software not function properly on non-Microsoft Operating Systems, which completely disregards the purpose of the antitrust trial in the first place.

The third of the largest problems which is not addressed in the proposed remedy is the terms the Microsoft Corporation is able license its software under. Under the proposed remedy the Microsoft Corporation will still be allowed to force large companies, state governments and universities using its Enterprise Licensing Agreement for the number of computers which COULD run an Microsoft Operating System, even for computers running an NON-Microsoft Operating System. This has already found to be an unlawful practice in the 1994 consent decree, but the proposed remedy does nothing to address this problem. The forcing of OEMs (Original Equipment Manufacturers) by the Microsoft Corporation to only ship personal computers with the Windows Operating System, for fear of retaliation from the Microsoft Corporation. The proposed remedy does nothing to address this issue, and will allow the Microsoft Corporation to continue this practice which has already been found to be illegal. This issue holds true for NON Personal Computer Operating Systems as well. The proposed remedy does nothing to prevent the Microsoft Corporation from offering discounts of the Windows Operating Systems to OEMs based on criteria such as sales of the Microsoft Office suite which allows the Microsoft Corporation to leverage its monopoly in the Personal Computer market to increase its market share in other areas. The only real solution to this problem is allowing ALL OEMs to ship non-Microsoft Operating Systems along with Microsoft Operating Systems on the Personal Computer they will without fear of retaliation from the

Microsoft Corporation. This will continue to be a huge issue as OEMs are now faced with such small profit margins (due to the current economic state), and are forced to pay the Microsoft Tax for all machines shipped, without the freedom to ship non-Microsoft Operating Systems.

These are extremely important and underlying issues that are NOT addressed as the proposed remedy currently stands. I hope for the sake of our nation's economy and future that these are addressed, or we will all find ourselves in the same position a few years down the road, and things might not be so easy to fix then.

Respectfully,

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